

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)

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U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WESTERN DIVISION (CINCINNATI)

TYLER GISCHEL,

Plaintiff,

vs.

UNIVERSITY OF CINCINNATI, et. al.

Defendants.

: Case No. 1:17-cv-00475-SJD-SKB
:
: Judge Susan J. Dlott
: Magistrate Judge Stephanie Bowman

: **ORDER REGARDING DISCOVERY**

Pursuant to a discovery conference held on November 27, 2019 via telephone with counsel Eric Rosenberg and Tracy Turner on behalf of Plaintiff and Eric Combs on behalf of Defendants, the Court ORDERS as follows:

1. Counsel for Plaintiff and Defendants will meet and confer regarding disposition of certain documents produced by UC to the Department of Education's Office of Civil Rights ("OCR") in connection with OCR Investigation # 2039 that Defendant the University of Cincinnati ("UC") has withheld from production;

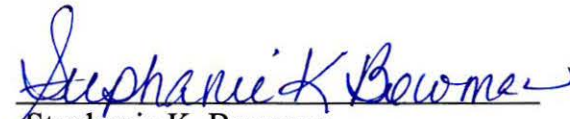
2. UC's counsel Mr. Combs will provide Plaintiff's counsel with an outline describing the documents produced by UC to OCR in connection with OCR Investigation # 2178 by Thursday, December 5, 2019;

3. Based on Plaintiff's review of documents received from OCR in response to a subpoena Plaintiff previously served on OCR, it appears that UC did not have in its possession, and was unable to provide to Plaintiff, all of UC's or its outside counsel's communications to and from OCR in connection with OCR Investigation # 2039. Plaintiff

has further indicated that it has not received from the Complainant in OCR Investigation # 2039 communications between her and OCR in connection with OCR Investigation # 2039, despite having served a subpoena on the Complainant requesting those documents. Plaintiff's counsel has stated their intention to serve a subpoena on OCR seeking (a) communications between OCR and UC in connection with Investigation # 2039, (b) communications between OCR and UC in connection with Investigation # 2178 that relate in any way to Complainant's Complaint in Investigation # 2039; and (c) communications between OCR and Complainant in connection with either Investigation # 2039 or Investigation # 2178. Defendants will not object to Plaintiff's subpoena to OCR.

SO ORDERED.

Date: 11/27/19


Stephanie K. Bowman
United States Magistrate Judge